

a non-blooming polymeric release agent /lubricant comprising olefinic monomeric units, wherein said release agent/lubricant is non-blooming when the metallized molded resin article is subject to aging at temperature of 150 -185 degrees Centigrade, and 0 to about 20 percent by weight [the remaining amount consisting essentially] of one or more nucleants and/or fillers, and less than 5% by weight additional ingredients based on the total weight of the resin composition;

- b) molding said resin mixture in a mold, and
- c) metallizing a portion of the surface of said article.

REMARKS

This is in response to the Official Action mailed July 31, 2002 for the above-captioned application. Reconsideration of the application, as amended, in view of the remarks herein, is respectfully requested.

The Examiner made a telephone restriction requirement as between claims 1-11 and claim 12. Applicants hereby confirm the election of claims 1-11 which was made by telephone. However, reconsideration of the restriction requirement is requested in view of the amendments made to claim 12. The limitations of claim 1 concerning the composition are now repeated in claim 12, such that the issues involved in searching one group of claims should be the same as for searching the other. Withdrawal of the restriction requirement is therefore requested.

Applicants have amended claim 1 to include the recitation of claim 2, and claim 2 has been cancelled. In reviewing the claims in light of the Examiner's remarks, Applicants realized that claim 2 was actually broader than claim 1, since claim 1 could be read to prohibit blooming under any conditions, while claim 2 established a set of conditions under which blooming cannot occur if the composition is to fall within the scope of the claim. Thus, this amendment is made so that the broadest claim will be the independent claim. Additional formal amendments which do not alter the scope of the claim were made as follows: (1) to correct a grammatical error in the preamble, and (2) to refer to the metallization of the last line in the same composition-type format (as opposed to a method-type format) as the resin components.

Claim 3 has been amended to correct the error in Markush format noted by the Examiner.

Claim 5 has been cancelled.

In view of the amendments to the claims, it is believed that the rejections under 35 USC § 112, second paragraph, are overcome. In addition, claim 8 has been amended to make it clear that the aluminum recited is part of the metallizing layer.

On the merits, the Examiner rejected claims 1-11 under 35 USC § 103 as obvious over the combination of Breitenfellner et al in view of Cohen. Breitenfellner discusses the production of a light-reflecting article, such as a headlight. As the Examiner acknowledges, there is no overlap between the composition of Breitenfellner and the composition recited in the present claims. Thus, the Examiner cites Cohen for a teaching of a similar composition, and says that use of this composition in place of the terephthalate composition of Breitenfellner would have been obvious. Applicants respectfully submit that this rejection is in error, because it fails to take into account the invention as a whole.

Obviousness of an invention must be considered on two levels. First, one must look at whether the references, considered without reliance on the teachings of the application being examined provide a initial suggestion to make the claimed invention. Second, the properties of the resulting combination, as claimed, must be considered to see if the actual invention, with all its associated properties would have been anticipated. Where the claimed invention has an unexpected property, this is evidence of the non-obviousness of the combination. Evidence of the unexpected properties can be found in the examples of the specification and must be taken into account when determining if a *prima facie* case of obviousness exists. *In re Margolis*, 228 U.S.P.Q. 940, 942 (Fed. Cir. 1986).

In the present case, as reflected in the test results in the application, the inventors unexpectedly found that the articles as claimed do not suffer from the defect of blooming. This result is highly beneficial in applications such as head lamps which can get quite hot when in use and whose performance would be reduced if blooming occurred. Further, this result is in no way predictable from the cited Breitenfellner and Cohen references. Breitenfellner says nothing about blooming as a problem in the metallized articles being produced. Cohen says nothing about metallization, and therefore manifestly cannot teach or suggest anything about the properties of a

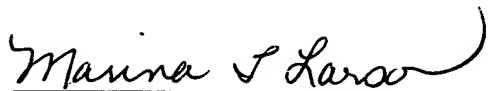
metallized article. The Examiner has not mentioned fact that the properties of compositions in metallized articles as claimed results are this unexpected. Thus, the Examiner has failed to establish a *prima facie* case of obviousness with respect to claimed invention.

The Examiner also rejected claims 1-11 under 35 USC § 103 as obvious over the combination of Breitenfellner and Weaver. This rejection suffers from the same defect discussed above. Weaver does not mention metallization and therefore cannot suggest properties in a metallized article. Thus, this rejection should also be withdrawn.

The Examiner also rejected claims 1-7 and 9-11 as obvious over the combination of Polyplastics (JP 2000035509A) in view of Cohen or Weaver. Polyplastics is essentially cumulative with Breitenfellner, to the extent that it merely discloses a metallized polybutylene terephthalate article. The combination of Polyplastics with Cohen or Weaver is therefore no different from an analytical perspective than the combination of Breitenfellner with Cohen or Weaver. Neither provides a suggestion of the claimed invention, including all of its properties. Thus, these rejections should be withdrawn.

For the foregoing reasons, Applicants submit that all claims of the present application are in form for allowance. Favorable reconsideration is respectfully urged.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Marina T. Larson", is written over a horizontal line.

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